
**Criminal Justice & Corrections
Committee**

SSB 6322

Brief Description: Relating to electronic monitoring of sex offenders.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Brandland, Kohl-Welles, Carrell, Kastama, Stevens, Keiser, Doumit, Rockefeller, Kline, Rasmussen, Berkey, Haugen, Shin, Jacobsen, McAuliffe, Pflug, Sheldon, Roach and Benton).

Brief Summary of Substitute Bill

- Authorizes the Department of Corrections to impose electronic monitoring as a condition of community custody for certain offenders.

Hearing Date: 2/17/06

Staff: Lara Zarowsky (786-7119) and Jim Morishima (786-7191).

Background:

The term "community custody" refers to the period following release from total confinement in which an offender is supervised by the Department of Corrections (DOC). Community custody is that portion of an offender's sentence served in the community, subject to conditions imposed by the sentencing court and the DOC. An offender may be sanctioned administratively by the DOC for violating his or her conditions of release.

Certain crimes, including sex offenses, serious violent offenses, crimes against a person, and some drug offenses carry a mandatory term of community custody. Unless waived by the court, certain mandatory conditions are required to be included in the term of community custody. Special conditions, such as crime-related prohibitions, may also be included. The DOC assesses an offender's risk of re-offense, and may modify or impose conditions of community custody in addition to those imposed by the court, provided they do not contravene or decrease the court's order. For example, the DOC may require an offender to participate in rehabilitative programs or perform affirmative conduct according to the offender's risk of re-offense.

An offender accused of violating a condition of community custody is entitled to a hearing before the DOC sanctions are imposed. If an offender is found to be in violation of a condition of community custody, the DOC may transfer the offender to a more restrictive confinement status to

serve up to the remaining portion of the sentence, less credit for any time actually spent in community custody.

Summary of Bill:

The DOC is authorized to impose electronic monitoring as a condition of community custody for offenders convicted of sex offenses (except determinate-plus offenders), serious violent offenses, crimes against a person, and some drug offenses. Electronic monitoring is defined as the monitoring of an offender using an electronic tracking system using radio frequency or active or passive global positioning system technology. The DOC must carry out the electronic monitoring requirement within available resources, using the most appropriate technology given the individual circumstances of the offender. The following entities and their employees are extended civil immunity for damages arising from incidents involving offenders placed on electronic monitoring, unless acting with gross negligence or in bad faith: local governments, the DOC, and the Washington Association of Sheriffs and Police Chiefs.

Appropriation: None.

Fiscal Note: Requested on February 14, 2006.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.